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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,123	03/22/2002	Sunao Takatori	3552/OK413	2504
7278	7590	12/19/2005	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			PEZZLO, JOHN	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,123

Applicant(s)

TAKATORI ET AL.

Examiner

John Pezzlo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 6 is/are rejected.
- 7) ☐ Claim(s) 3, 4 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/22/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

I. Claims 1, 2, 5, and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by
Tsurumoto (US 6,510,555 B1).

1. Regarding claim 1 – Tsurumoto discloses a telegraphic message segmenting portion for segmenting a transmitting telegraphic message and a dummy telegraphic message into a plurality of telegraphic messages by a packet unit, refer to Figures 2 and 7 and column 7 lines 5 to 16 and column 7 lines 63 to 67 and column 8 lines 1 to 30 and column 13 lines 24 to 40.

Tsurumoto discloses a telegraphic message sequence rearrangement portion for rearranging the sequence of the telegraphic messages segmented by the telegraphic message segmenting portion, refer to the scrambler (20) in Figure 2 and column 8 lines 5 to 10.

Tsurumoto discloses a data transmitting portion for transmitting by a packet communication system the transmitting telegraphic messages rearranged by the telegraphic

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message sequence rearrangement portion, refer to modulator (21) and output amplifier (22) in Figure 2 and column 8 lines 5 to 10 and column 8 lines 34 to 42.

2. Regarding claim 2 – Tsurumoto discloses a telegraphic message segmenting portion for segmenting a transmitting telegraphic message and a dummy telegraphic message into a plurality of telegraphic messages by a packet unit, refer to Figures 2 and 7 and column 7 lines 5 to 16 and column 7 lines 63 to 67 and column 8 lines 1 to 30 and column 13 lines 24 to 40.

Tsurumoto discloses a telegraphic message sequence rearrangement portion for rearranging the sequence of the telegraphic messages segmented by the telegraphic message segmenting portion, refer to the scrambler (20) in Figure 2 and column 8 lines 5 to 10.

Tsurumoto discloses a control telegraphic message forming portion for forming a control telegraphic message having control information to restore the transmitting telegraphic messages rearranged by the telegraphic message sequence rearrangement portion into the original sequence, refer to Figure 2 callout 36 and column 8 lines 30 to 35 and column 9 lines 4 to 35.

Tsurumoto discloses a telegraphic a data transmitting portion for transmitting by a packet communication system the transmitting telegraphic messages, refer to modulator (21) and output amplifier (22) in Figure 2 and column 8 lines 5 to 10 and column 8 lines 34 to 42.

3. Regarding claim 5 - Tsurumoto discloses a data receiving portion for receiving the data by packet communication system, refer to Figure 4 and column 9 lines 49 to 67 and column 10 lines 1 to 31.

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Tsurumoto discloses a received telegraphic message storing portion for storing the telegraphic message received at the data receiving portion, refer to Figure 4 and column 10 lines 32 to 67 and column 11 lines 1 to 15.

Tsurumoto discloses a telegraphic message restoring portion for eliminating the dummy telegraphic message from the telegraphic messages stored in the received telegraphic storing portion and restoring the telegraphic messages by rearrangement by a packet unit, refer to Figures 4 and 5 and column 10 lines 32 to 67 and column 11 lines 1 to 15 and column 11 lines 15 to 65.

4. Regarding claim 6 - Tsurumoto discloses a data receiving portion for receiving the data by packet communication system, refer to Figure 4 and column 9 lines 49 to 67 and column 10 lines 1 to 31.

Tsurumoto discloses a received telegraphic message storing portion for storing the telegraphic message received at the data receiving portion, refer to Figure 4 and column 10 lines 32 to 67 and column 11 lines 1 to 15.

Tsurumoto discloses a control telegraphic message storing portion for storing the control telegraphic message received at the data receiving portion, refer to Figure 4 and column 10 lines 32 to 67 and column 11 lines 1 to 15.

Tsurumoto discloses a telegraphic message restoring portion for eliminating the dummy telegraphic message from the telegraphic messages stored in the received telegraphic storing portion and restoring the telegraphic messages by rearrangement by a packet unit, refer to

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Figures 4 and 5 and column 10 lines 32 to 67 and column 11 lines 1 to 15 and column 11 lines 15 to 65.

Allowable Subject Matter

Claims 3, 4, and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Trbovich et al. (US 5,048,087) discloses a key management for encrypted packet based networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (571) 272-3090. The examiner can normally be reached on Monday to Friday from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(571) 273-8300

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Jefferson Building


2A15

500 Dulany Street

Alexandria, VA, 22313.

John Pezzlo

13 December 2005


JOHN PEZZLO
PRIMARY EXAMINER